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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,797

Applicant(s)

MYRHUM ET AL. 

Examiner

Stephen L. Blau

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 7, 11, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Helmstetter.

Helmstetter discloses a method of providing a first wood having a first weight and first vertical center (Figs. 17, 36), analyzing the performance in the form of trying out and determining which is best (Col. 6, Lns. 25-67), providing a second wood having a second weight substantially equal to the first wood weight in the form being the same type of club with only having a local zone located at a different location (Col. 6, Lns. 25-35) and a second vertical center of gravity different from a first vertical center of gravity (Col. 2, Lns. 14-21), analyzing the performance of the second wood (Col. 6, Lns. 25-67), an external shape of a first wood and a second wood being substantially the same in the form being the same type of club with only having a local zone located at a different location (Col. 6, Lns. 25-35), a first club sole weight being greater (Figs. 17, 36, Col. 5, Lns. 35-50) than a second club sole weight (Fig. 37), a first club crown weight (Figs. 17, 36) being less than the second club crown weight (Fig. 37), a first wood and second

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wood being made of an titanium alloy (Col. 4, Lns. 65-67), and a shaft affixed to a head (Fig. 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of Cackett.

Helmstetter discloses first and second woods being a 1 wood (Col. 6, Lns. 36-40).

Helmstetter lacks a first and second wood displacing 335 cc and having a head weight from about 195 grams to about 205 grams. Cackett discloses wood type heads (Fig. 1) being made of a titanium alloy (Claim 5) having a volume of 335 cc (Claim 1) and a head weight from about 195 grams to about 205 grams (Claim 10) in order to have large volume heads (Col. 2, Lns. 38-47). In view of the patent of Cackett it would have been obvious to modify the woods of Helmstetter to have a first and second wood displacing 335 cc in order to minimize miss-hits when a golfer does not hit a ball at a sweet spot due to a large face and head. In addition in view of the patent of Cackett it would have been obvious to modify the woods of Helmstetter to have a head weight

from about 195 grams to about 205 grams in order to transfer energy to a ball at impact yet not fatigue a golfer while playing a round of golf.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of Wood.

Helmstetter lacks a first and second wood having no integral hosel, a bore in each of the woods sized to receive a hosel fitting affixed to an end of a shaft, and a threaded fastener that engages a hosel fitting to a wood head.

Wood discloses a first and second wood having no integral hosel, a bore in each of the woods sized to receive a hosel fitting affixed to an end of a shaft, and a threaded fastener that engages a hosel fitting to a wood head (Fig. 2) in order to have an adjustable lie (Col. 2, Lns. 13-25). In view of the patent of Wood it would have been obvious to modify the woods of Helmstetter to have a first and second wood having no integral hosel, a bore in each of the woods sized to receive a hosel fitting affixed to an end of a shaft, and a threaded fastener that engages a hosel fitting to a wood head in order to have adjustable lie woods.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of Bristow.

Helmstetter lacks woods being made of a titanium alloy of as-cast microstructure.

Bristow discloses golf club heads being made of a titanium alloy (Col. 3, Lns. 34-49) and samples of as-cast which have a higher ultimate tensile strength than that have

undergone fusion welding (Col. 3, Lns. 50-64). Bristow did not specifically state that a golf head was formed of as-cast material but clearly an artisan skilled in the art of forming a high strength head would have selected a suitable material in which heads being made of a titanium alloy of as-cast microstructure is included. In view of the patent of Bristow it would have been obvious to modify the woods of Helmstetter to have woods being made of a titanium alloy with an as-cast microstructure in order to have high ultimate tensile strength heads.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of Chen.

Helmstetter lacks woods formed of exactly two pieces of a head body and a face plate with a joint between.

Chen discloses woods formed of exactly two pieces of a head body and a face plate with a joint between (Figs. 7-9). In view of the patent of Chen it would have been obvious to modify the woods of Helmstetter to have woods formed of exactly two pieces of a head body and a face plate with a joint between in order to simplify the manufacturing process of a head body by forming a face component separately.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of McCabe.

Helmstetter third wood club having an external shape substantially the same as the first and second wood and a third wood having a weight substantially the same as a

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first and second wood in the form being the same type of club with only having a local zone located at a different location (Col. 6, Lns. 25-35)

Helmstetter lacks a second club sole weight being greater than a third club sole weight and a second club crown weight being less than a third club crown weight.

McCabe discloses altering a heads center of gravity without changing the external shape or weight of a head by moving weight an infinite amount of increments in the form of moving a weight along a length of a cavity (Figs. 3, 5). In view of the patent of McCabe it would have been obvious to modify the woods of Helmstetter to have smaller incremental weight changes between a crown and a sole of a set of woods by having a second club sole weight being greater than a third club sole weight and a second club crown weight being less than a third club crown weight in order to have a more clubs available with more options to more fine tune a custom club for a player.

9. Claims 13-14, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of McCabe, Chen, and Wood.

See paragraphs above for elements of structure previously rejected by Helmstetter in view of McCabe, Chen, and Wood (Same argument applies to all three woods).

10. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of McCabe, Chen, and Wood as applied to claims 13-14, 17 and 20 above, and further in view of Cackett.

See paragraphs above for elements of structure previously rejected by Helmstetter in view of Cackett (Same argument applies to all three woods).

11. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmstetter in view of McCabe, Chen, and Wood as applied to claims 13-14, 17 and 20 above, and further in view of Bristow.

See paragraphs above for elements of structure previously rejected by Helmstetter in view of Bristow (Same argument applies to all three woods).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Paul Sewell whose telephone number is (703) 308-2126. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

Slb 13 February 2003


STEPHEN BLAU
PRIMARY EXAMINER